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GEORGE S. BLASIAK
WALL MARJAMA & BILINSKI
101 SOUTH SALINA STREET, SUITE 400
SYRACUSE, NY 13202

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DEC 16 2002

OFFICE OF PETITIONS

In re Application of
Michael Ehrhart et al
Application No. 09/904,697
Filed: July 13, 2001
Attorney Docket No. 283-300

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:
: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.137(f)

This is a decision on the petition, filed November 27, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(f)."

Petitioner states that, subsequent to the filing of the instant application and the concurrently filed nonpublication request under 35 U.S.C. § 122(b), PCT Application PCT/US02/22353 claiming priority to the present U.S. application was filed on July 10, 2002; however, notice of such foreign filing was not provided to the U.S. Patent and Trademark Office.

The instant petition fails to provide a notice rescinding the nonpublication request. Accordingly, before revival pursuant to the provisions of 37 CFR 1.137(f) can be effected, petitioner must submit a request to rescind the previous nonpublication request. For petitioner's convenience, a blank Request to Rescind Previous Nonpublication Request accompanies this decision on petition.

In order to expedite revival of this application, petitioner may wish to consider submitting the items required by this decision on petition in a renewed petition

under 37 CFR 1.137(f) by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
P.O. Box 2327
Mail Stop DAC
Arlington, VA 22202

OR

Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 South Clark Place
Arlington, VA 22202

Any questions concerning this matter may be directed to the undersigned at (703) 305-8680.



Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Request to Rescind Previous Nonpublication Request Form